

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JAMES C. HILL, )  
 )  
 Plaintiff, )  
 v. ) C.A. No. 05-cv-00452-JJF  
 )  
 SUPER FRESH FOOD MARKETS, INC., )  
 )  
 Defendant. )

**MOTION TO DISMISS**

Defendant hereby moves to dismiss Plaintiff's Complaint pursuant to Rule 12(b)(1) and (6) of the Federal Rules of Civil Procedure. Plaintiff has failed to exhaust his administrative remedies and to file his claims within the applicable statute of limitations. The grounds for Defendant's motion are more fully set forth in the accompanying Memorandum of Law filed in support of this motion.

WHEREFORE, Defendants respectfully request that this Court dismiss the Complaint in its entirety and award such other and further relief as this Honorable Court deems appropriate.

Respectfully submitted,  
YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca

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